

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CARL SANDERS,

Plaintiff,

v.

SUSAN DONAHUE, and JOHN DOE  
DONAHUE; MERLE FERGUSON and JANE  
DOE FERGUSON; ANTHONY PISTILLI and  
JANE DOE PISTILLI; SIDONIA CAPITAL  
CORPORATION, a foreign corporation doing  
business in the State of Washington; TJJR  
ENTERPRISES, INC., a Nevada corporation  
doing business in the State of Washington;  
COMPOSITE HOLDINGS, INC., a Nevada  
corporation doing business in the State of  
Washington; NATAVAN, INC., a Nevada  
corporation doing business in the State of  
Washington ,

Defendants.

Case No. C04-5870FDB

ORDER TRANSFERRING CASE TO  
THE DISTRICT OF NEVADA

Plaintiff Sanders has responded to the Court's Second Order To Show Cause. The Court ordered a second show cause because there were still insufficient facts upon which to appropriately base this Court's jurisdiction over this cause of action. The service of the Defendant Pistilli in Sherman Oaks, California does not necessarily demonstrate that Pistilli is domiciled in Sherman Oaks, California. Moreover, it was still not at all clear where this claim arose. Plaintiff asserts that he obtained a cashier's check from his bank in Pierce County, Washington, which he remitted to an account in the State of Nevada, but the Court concluded that this alone is not dispositive nor persuasive that the cause arose here.

One of Plaintiff's responses was to file a Notice of Voluntary Dismissal as to Anthony and Jane Doe Pistilli (Dkt. #'s 54 and 55). Plaintiff also states in his declaration that he met with Defendant Ferguson at Mitzel's Kitchen in Fife, Washington and gave Ferguson a cashier's check.


1 Meanwhile, Defendant Susan Donohue<sup>1</sup> moves for dismissal contending that she was a  
2 resident of Nevada until recently and is now a California resident; that she met Sanders in Las Vegas;  
3 that she does not do business in Washington; that it would be improper for this Court, therefore, to  
4 exercise personal jurisdiction over her.

5 Thus, before this Court is a plaintiff who resides in King County; defendants who reside in  
6 Las Vegas, Nevada; corporations that are incorporated in Nevada; and two defendants whose  
7 residency is unclear and whom Plaintiff now voluntarily dismisses; and a defendant who claims to  
8 reside in California.

9 While with the voluntary dismissal of Anthony and Jane Doe Pistilli this Court appears to  
10 have diversity jurisdiction, nevertheless venue in this District is improper. All defendants except,  
11 perhaps Donahue, apparently reside in Nevada. Therefore, pursuant to 28 U.S.C. § 1391, venue is  
12 properly in the District of Nevada, and, pursuant to 28 U.S.C. § 1406(a), this cause of action will be  
13 transferred to the District of Nevada where it could have been brought in the first instance.

14 ACCORDINGLY, IT IS ORDERED: This cause of action is TRANSFERRED to the  
15 District of Nevada at Las Vegas pursuant to 28 U.S.C. § 1406(a).

16  
17 DATED this 29<sup>th</sup> day of July 2005.

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20 FRANKLIN D. BURGESS  
21 UNITED STATES DISTRICT JUDGE  
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25 <sup>1</sup>Spelling from Defendant Donohue's own motion.